

Public Comments  
Received re  
Amendment to  
Cultivation Ordinance

10/25/18 Meeting

Chairman Hoard and fellow Commissioners,

This letter is in regards to the proposed amendments to the County's zoning ordinance regarding section 43 allowing for commercial cannabis cultivation, to be considered at the meeting of the planning commission Thursday, October 25th, 2018.

We are now in our 3rd year of the trinity county commercial cannabis ordinance and once again we find ourselves at a crucial decision making point. The market is still in its early stages yet has already shown substantial growth and development. Operators in other counties such as Monterey, Santa Barbara and our neighboring Humboldt are operating state and county licensed multiple acre cultivation sites. Our local Trinity County operators are in direct competition with these larger operators, forced to match their price points while unable to match their operational efficiency due to lack of scale.

I believe Trinity County is moving in the right direction by considering the stacking of licenses. This change is needed to allow our local operators to have a fighting chance of staying competitive and in business. Make no mistake, this industry will bring real jobs, real money and real tax benefits to trinity county if it can survive here. The material benefits to the community are real. This industry will support people maintaining a viable economic life in Trinity County. It will keep our friends and neighbors here. It will keep kids in our schools, patrons in our county businesses and tax dollars in our government.

Unfortunately, the proposed ordinance changes will not provide for these benefits. The proposed setbacks of 350-500 feet, and the proposal not to allow for variances, will negate the opportunity to stack licenses for the majority of operators in the county. It will allow a few select large land owners to benefit while excluding the vast majority of our community from the opportunity to participate. This will concentrate wealth in the hands of a few and will drive out the small operators, of which our cultivation community is largely composed of.

Please consider the implications of this decision. I believe that setbacks are a sensible tool in promoting the quality of life we expect here in Trinity County. In turn, variances allow for individual projects to be evaluated on a case by case basis for their suitability to fit a particular use in a specific location. I strongly urge you to pass on a recommendation to the Board of Supervisors to allow for variances for operators with multiple licenses. Please keep this industry accessible to our community.

Thank you for your consideration,

Benjamin G Berman-Brady  
Trinity County Cannabis licensee  
Wildwood, CA

RECEIVED

OCT 22 2018

TRINITY COUNTY  
PLANNING DEPARTMENT

**Ruth Hanover**

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**From:** Donna Rupp <drupp@tcrd.net>  
**Sent:** Tuesday, October 23, 2018 10:53 AM  
**To:** Ruth Hanover; Leslie Hubbard  
**Subject:** Planning Commission Meeting 10/25 Public Comment

**Importance:** High

Please accept this public comment for the following:

TC Planning Commission Meeting, Date 10/25/2018

Item #4

Description:

Amendment to the County's Zoning Ordinance regarding section 43 allowing for commercial cultivation of cannabis; Ad hoc committee request to consider: item (3) Allow Multiple Licenses

Comment:

The two existing recommendation items under multiple licenses are regarding setback allowances and dwelling requirements. These items are not enough. The Planning Commission must consider the impacts of sediment by allowing multiple licenses on one parcel, especially considering the county's lack of a grading ordinance.

As a natural resources professional who has worked on watershed issues in Trinity County for eight years, I believe that the county must address grading if they are to allow multiple licenses on one parcel. The parcel owner must be required to submit a grading plan that follows best management practices before being granted multiple licenses.

This watershed has been severely impacted by sediment and the Trinity River and South Fork Trinity River are both listed under section 303(d) with the EPA as sediment impaired. In ordinance 315-823, section 1, item 19 the Board of Supervisors specifically declare that the dramatic increase in the number of Cannabis cultivation sites have seen a 'corresponding increase in impacts to water supply and water quality, including discharge of sediments...' For the county planning commission to allow this item to go forward without acknowledging and addressing the possible sediment impacts would be a travesty for all who live in the county, and a slight to the professionals who are spending their careers working for a healthy watershed.

Sincerely,

*Donna Rupp*

*Weaverville, CA*

**RECEIVED**

**OCT 23 2018**

**TRINITY COUNTY  
PLANNING DEPARTMENT**

**Ruth Hanover**

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**From:** Leslie Hubbard  
**Sent:** Tuesday, October 23, 2018 11:13 AM  
**To:** John Fenley; Ruth Hanover; Keith Groves; Judy Morris  
**Cc:** Richard Kuhns; County Counsel Forwarding Contact; Rick Tippet  
**Subject:** RE: Type 1 Cannabis Specialty License Fee is TOO HIGH, Can it be fixed on Thursday?

Thank you for your message. I acknowledge receipt of it and will forward to administrative staff for the Planning Commission meeting.

**From:** John Fenley  
**Sent:** Tuesday, October 23, 2018 10:04 AM  
**To:** Keith Groves <[kgroves@trinitycounty.org](mailto:kgroves@trinitycounty.org)>; Judy Morris <[jymorris@trinitycounty.org](mailto:jymorris@trinitycounty.org)>  
**Cc:** Richard Kuhns <[rkuhns@trinitycounty.org](mailto:rkuhns@trinitycounty.org)>; County Counsel Forwarding Contact <[margaret@plelawfirm.com](mailto:margaret@plelawfirm.com)>; Rick Tippet <[rtippet@trinitycounty.org](mailto:rtippet@trinitycounty.org)>; Leslie Hubbard <[lhubbard@trinitycounty.org](mailto:lhubbard@trinitycounty.org)>  
**Subject:** Fw: Type 1 Cannabis Specialty License Fee is TOO HIGH, Can it be fixed on Thursday?

constituent request

Thanks, John

John Fenley  
Supervisor Trinity County District 5  
P.O. Box 1613 Weaverville CA 96093  
530-598-5948 cell & text

[jfenley@trinitycounty.org](mailto:jfenley@trinitycounty.org)

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**From:** Karla Avila <[karlaraquelavila@gmail.com](mailto:karlaraquelavila@gmail.com)>  
**Sent:** Tuesday, October 23, 2018 9:49 AM  
**To:** John Fenley  
**Cc:** [trinitymedicinals@gmail.com](mailto:trinitymedicinals@gmail.com); Deidre Brower; John Brower; Jacob Johnson; Larry Winter; Lindy And Pat McCaslin  
**Subject:** Type 1 Cannabis Specialty License Fee is TOO HIGH, Can it be fixed on Thursday?

Hi John,

I hope this email finds you well. I have not been able to be in Weaverville much recently since I just had a baby.

I was extremely disappointed to see that despite the fact that we are ready to give away the county to the Walmarts of weed, the Type 1 5000 sq ft specialty outdoor license fee is still \$5000. I have been before the Board on numerous occasions, even with my daughter with me, to give public comment on how skewed out of proportion and overly-priced this license fee is compared to all the others. I can't believe it still isn't fixed but it REALLY NEEDS TO BE FIXED THIS TIME!!!!!!

Anything you can do about this?!?! PLEASE?

I am appealing to you because we really need you to fix this license fee being so screwed up for the small farmers, it doesn't make ANY sense that the Type 1 fee be so disproportionately high and this is the perfect opportunity to finally correct it, and I am hopeful that you would be willing to make the effort on Thursday to get this changed.

This is very important. It sure would have made the rest of the proposed changes a lot easier to swallow if the Board was showing that first and foremost they are thinking about our county's actual residents first.

And, if we are going to give away the county to the Walmarts of Weed, what is the county going to get out of it?

A response would be greatly appreciated.

Thank you,  
Karla Avila



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Region 1 – Northern  
601 Locust Street  
Redding, CA 96001  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



RECEIVED

OCT 23 2018

TRINITY COUNTY  
PLANNING DEPARTMENT

October 23, 2018

Trinity County Planning Commission  
Trinity County Planning Department  
P.O. Box 2819  
Weaverville, CA 96093

**Subject: Amendment to Trinity County's Zoning Ordinance Regarding Section 43  
Allowing for Commercial Cultivation of Cannabis**

Honorable Commission:

The California Department of Fish and Wildlife (Department) has reviewed the proposed amendment to Trinity County's (County) Zoning Ordinance Regarding Section 43 Allowing for Commercial Cultivation of Cannabis (Ordinance). The Trinity County Planning Commission Staff Report regarding the amendment was attained by our office on October 19, 2018. The Department previously provided comments to the County on September 15, 2017, and again on October 27, 2017, regarding the impacts associated with cannabis cultivation and the appropriate level of environmental review. This letter reiterates some of the September 15, 2017 and October 27, 2017 comments, and provides additional comments on the specific text of the amended Ordinance.

The proposed amended Ordinance would include the following land use changes from the existing ordinance:

1. Increase Designated Area from 200% to 250%
2. Revise Fencing Requirements
3. Allow Multiple Licenses
4. Exclude Trinity County Waterworks District 1 from "Opt Out" area and include Bucktail Subdivision
5. Restrict the use of variances on sites with multiple licenses; Sites adjacent to Non-Recreational Public Lands, TPZ lands, and Open Space eligible for lifetime variance

The Department is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines § 15386, subd. (a)). The Department in its trustee capacity has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

*Conserving California's Wildlife Since 1870*

The Department will need to exercise regulatory authority as provided by the Fish and Game Code and act as a Responsible Agency as part of its consideration and issuance of discretionary approvals, described below (CEQA Guidelines, §§ 15082, subd. (a)(1)(A) & 15124, subd. (d)(1).) for cannabis cultivation site activities in the County.

The Department supports efforts to regulate cannabis cultivation and to address the numerous and substantial environmental impacts that may occur from unregulated activities. However, the Department believes that efforts to further increase cannabis cultivation should not be permitted without a thorough evaluation of the cumulative impacts to the environment. The Department recommends that impacts of an amended Ordinance be publically reviewed pursuant to CEQA prior to any new permits under the amended Ordinance.

In addition, in its role as Responsible Agency, the Department must also comply with CEQA when issuing regulatory permits. If the County does not prepare a CEQA environmental document for approval of the Ordinance and there are no other Lead Agency environmental documents available, the Department may be unable to issue a California Endangered Species Act (CESA) Incidental Take Permit (Fish & G. Code, § 2081) or a Lake and Streambed Alteration (LSA) Agreement (Fish & G. Code, § 1600 et seq.) to applicants in a timely manner.

### **Cumulative Impacts**

The Department is concerned about cumulative impacts from both permitted and unpermitted cannabis cultivation. The Guidelines for the Implementation of the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15000 et seq.; hereafter CEQA Guidelines) defines cumulative impacts in section 15355 as *“two or more individual effects which, when considered together, are considerable...”* and may include *“the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.”* Discussion of cumulative impacts is required by CEQA Guidelines section 15130, which also includes past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside *“the control of the agency....”* Many impacts associated with the cannabis cultivation the Ordinance seeks to regulate are exacerbated because they are not addressed by current regulatory processes of the Department and other agencies regulating natural resources impacts. For example, impacts from conversion of upland habitat (e.g. grassland, oak woodland, and forestlands) are not typically addressed in Regional Water Quality Control Board Order No. R1-2015-0023, State Water Resources Control Board's *Cannabis Cultivation Policy-Principles and Guideline for Cannabis Cultivation* or by the Department's LSA Program. Diversions from streams, springs, and groundwater hydrologically connected to surface waters are already adversely impacting watersheds throughout the State. Many watersheds may not be able to support the existing level of diversions, and new cannabis cultivation diversions would likely exacerbate this problem. The Department recommends that a CEQA document be prepared to analyze the cumulative effects in watersheds with cannabis cultivation on sensitive biological resources including, but not

limited to, special status species and their habitats, and rare natural communities prior to the amendment of the Ordinance.

### **Increase Designated Area from 200% to 250%**

The proposed amendment allows for the increase in the Designated Area under which cultivation activities occur from 200% of the allowable license size to 250% of the license size. Examples of land disturbance activities that may occur in this Designated Area include construction of water storage areas, excavation, grading, site clearing, and storage of soil or amendments. This proposal allows for additional land disturbance and site expansion with no environmental review of the impacts associated with this decision. The Ordinance states that *"this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant Business and Professions Code section 26055(h) until July 1, 2019 because this Ordinance requires discretionary review for the individual licenses that are provided for within."* As Trustee Agency for the State's fish and wildlife resources, the Department must be consulted on all discretionary CEQA approvals; however, the Department is not aware of any discretionary CEQA review occurring for any annual licenses at this time. The Department recommends that the County refrain from authorizing any additional expansion in land use activities and site disturbance until after July 1, 2019; when the County has completed a CEQA review of the Ordinance and can accurately characterize the impacts associated with the County's cannabis cultivation licensing program. In addition, the County should consider requiring grading plans, erosion control plans, or site development plans developed by a qualified professional for all site expansion activities to minimize impacts of increased site disturbance.

### **Revise Fencing Requirements**

"Wildlife Exclusionary Fencing" is defined in the amended Ordinance to mean *"fencing designed and installed to prevent the entry of wildlife into the enclosed area, such as cyclone or field game fencing a minimum of six feet high measured from grade."* The Department recommends that prior to defining the design parameters of "Wildlife Exclusionary Fencing," the County should identify target species or mammalian size classes (i.e., to exclude any species larger than grey squirrel) and then consult with the Department on how to include suitable design features to exclude all the targeted species. Fencing designs should still be able to pass non-target species and avoiding entrapment, entanglement, and impalement hazards to all wildlife.

Physical barriers such as perimeter fencing, screening, caging, or other means to limit access to cannabis plants by wildlife must be constructed and actively monitored and maintained to minimize and reduce hazards to wildlife no matter what material or height is selected. The Department recommends these barriers be at least 7-foot-high and preferably over 8-foot-high whenever possible in order to achieve the best results. Chicken wire and nylon netting are particularly hazardous as animals can easily become trapped in these materials. Fence posts must be designed so they do not



contain holes at the top that can ensnare perching raptors. The County should also avoid authorizing fences with spikes, pickets, or barbs that protrude above the top bar as these features can impale animals should they attempt to jump over the fence.

Although the price of plastic fencing is often times attractive when compared to other materials, the Department strongly recommends against the use of any plastic wildlife exclusion materials. Department staff have observed numerous instances of entanglement and mortality in plastic fences. In addition, the temporary nature of plastic fencing results in large amounts of plastic waste being stored onsite as the materials are often times too voluminous when disassembled to easily dispose of. When disposed of onsite, this material continues to ensnare amphibians, reptiles, and small mammals, leading to mortality.

### **Type 3 License Increase**

The amended Ordinance states, "*On July 1, 2019, the Director may increase the number of Type 3 Licenses up to thirty (30) if the environmental documents support this increase.*" The Department would like clarification on what environmental documents will be used to support the decision-making process that would increase the cap and what thresholds of significance are proposed to support this decision.

### **Variances**

Section 5(a)(viii) of the amended Ordinance allows cultivation sites with existing annual variances that are located adjacent to Timber Production Zone (TPZ), Open Space or Non-Recreational Public Lands (public lands that have no designated improvements or facilities such as trails, campgrounds, or boat access areas) to be eligible to apply for lifetime variances to setback requirements. The Department believes that encroachment into each of these land designations warrants additional analysis as the proposal has the potential to degrade the quality of the environment and substantially reduce the habitat of a fish or wildlife species.

A lifetime reduction in setbacks from TPZ may have significant impacts on wildlife species and those private timberland owners seeking to sustainably manage timberlands. For instance, the status of Northern Spotted Owl (*Strix occidentalis caurina*) (NSO), listed as Threatened under the federal Endangered Species Act in 1999, and then similarly listed under CESA in 2017, qualifies it as an endangered, rare, or threatened species under CEQA Guidelines, section 15380. NSO populations have declined significantly in California primarily as a result of destruction of forest habitat from logging and development. As a habitat specialist, NSO are primarily threatened by further loss, fragmentation, and degradation of their forest habitats, which is further complicated by their low reproductive rate and limited ability to disperse. Additionally, contaminants from cannabis cultivation is a growing threat to NSO. Noise from road use, generators, and other equipment may disrupt foraging NSO, which primarily use hearing to hunt. Also, exposure to vehicle noise has been shown to increase stress hormone levels in NSO, which was particularly evident in males during times when they were exclusively responsible for feeding their mates and nestlings. Owners of private

timberlands must undertake rigorous surveys within 1.3 miles of a proposed timber harvest site and must implement strong avoidance measures to avoid take of NSO, including seasonal restrictions on noise and disturbance. To date, cannabis cultivators are not employing the same level of NSO avoidance as timberland owners, even though the cultivation sites are actively removing timber stands, operating adjacent to known NSO activity centers, and permanently converting forested areas into cannabis cultivation sites. The Department recommends that prior to encroachment into TPZ setbacks, the County: (1) assess the impacts of cannabis cultivation adjacent to TPZ areas known to support NSO, and (2) require cannabis cultivators within 1.3 miles of a known NSO activity center or federally designated Critical Habitat to adhere to State and federally supported NSO avoidance and mitigation measures. The Department can provide these measures at the County's request.

The Department recommends that the term "Open Space" be defined in the amended Ordinance. If it refers to the Open Space Zoning District, the County zoning ordinance defines it as "*land intended to protect significant or critical wildlife habitat areas or areas which should not be developed due to public health or safety reasons.*" Many of these Open Space areas may include wetland or riparian habitat, or occupied habitat for endangered species such as NSO and Coho Salmon (*Oncorhynchus kisutch*). The Department does not support the encroachment of cannabis cultivation on critical wildlife habitat without additional CEQA review, a site-specific biological resource assessment, and additional avoidance and minimization measures, as appropriate.

The phrase "Non-Recreational Public Lands" is an inaccurate depiction of the recreational uses taking place on the subject lands. The vast majority of public lands in the County would fall into the category of Non-Recreational Public Lands under the current definition, although many of these sites are frequented by the Department's constituent groups, including hunters, anglers and non-consumptive users. Unimproved areas are specifically targeted by the public for their low traffic characteristics and ability to provide higher quality experiences for outdoor enthusiasts such as hunters, anglers, and non-consumptive users, such as bird watchers. Allowing a lifetime of reduced or eliminated buffers for cannabis cultivation adjacent to properties defined as Non-Recreational Public Lands without consideration of possible reduced access, degradation of quality of experience, and compromise to public safety should not be enacted without first evaluating the potential for substantial recreational impacts. Additionally, many of these areas currently designated as Non-Recreational Public Lands contain federally designated Critical Habitat for NSO, on which the impacts of setback variances are described above. The definition of "Recreational Public Lands" should be redefined to include all State and federal lands legally accessible to the public and should not exclude unimproved areas devoid of such features such as trails, campgrounds, and boat areas. Creating lifetime variances for property line setbacks that encroach on any TPZ, recreational public land, and Open Space prevents disclosure of potential significant impacts to the public during the CEQA process. The Department recommends maintaining the current annual review of setback variances to determine if there has been a change in environmental conditions that warrant continued renewal of the setback.

The Department appreciates the opportunity to comment on the amended Ordinance and looks forward to working with the County to effectively regulate cannabis cultivation while addressing its environmental impacts. If you have any questions, please contact Adam McKannay, Senior Environmental Scientist (Supervisor), at (530) 225-2124 or [adam.mckannay@wildlife.ca.gov](mailto:adam.mckannay@wildlife.ca.gov).

Sincerely,



**Curt Babcock**  
Habitat Conservation Program Manager

cc: Lindsay Rains, Tabatha Chavez  
California Department of Food and Agriculture  
[lindsay.rains@cdfa.ca.gov](mailto:lindsay.rains@cdfa.ca.gov), [tabatha.chaves@cdfa.ca.gov](mailto:tabatha.chaves@cdfa.ca.gov)

State Clearinghouse  
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Donna L. Cobb, Scott Bauer, Cheri Sanville, Adam McKannay, Lt. DeWayne Little  
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CHRON

Ruth Hanover

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**From:** Larry Glass <larryglass71@gmail.com>  
**Sent:** Tuesday, October 23, 2018 3:44 PM  
**To:** Leslie Hubbard; Bella Hedtke; Ruth Hanover  
**Subject:** Input on changes to Commercial Cannabis Cultivation Regulations

Leslie Hubbard, Deputy Director of Planning  
Bella Hedtke, Assistant Planner  
Ruth Hanover, Administrative Coordinator

Planning Commissioners –  
Mike McHugh  
Graham Matthews  
Diana Stewart  
Richard Hoard  
Dan Frasier

Re: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY  
AMENDING ZONING ORDINANCE NO. 315 CREATING SECTION 28: COMMERCIAL CANNABIS CULTIVATION REGULATIONS

Planning Department and Planning Commission members,

Trinity County and it's so-called "ad hoc" committee continues to move down its own self-created path for regulating Cannabis with seemly no regard for the Environment and little or no regard for the small farmers who want to comply and protect the environment.

As SAFE clearly stated, in our input letter on the Counties proposed Mitigated Negative Declaration, an EIR is required for Trinity Counties ordinance. The County is way behind in that process. Therefore it should not be changing or expanding the existing noncompliant ordinance.

Complete a full EIR then amend your ordinance so it's in technical compliance with the law and it also should adhere to the spirit of CEQA as well.

Southern Trinity has not seen any beneficial change in the widespread and illegal cannabis industry. It's just as out of control as it was two years ago. It makes no sense to have all these complicated regulations without any real enforcement.

The impacts on the environment continue unabated, dewatering of streams and aquifers widespread fertilizer contamination it the indiscriminate killing of wildlife by the increasing use of toxic chemicals.

In closing **DO NOT** adopt these changes or any others until a full EIR is completed and will support any of the existing ordinance or the changes proposed to it.

Larry Glass  
Executive Director  
SAFE (Safe Alternatives for our Forest Environment)  
PO box 1510  
Hayfork, Ca 96041

**Ruth Hanover**

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**From:** Alex Cousins <june5963@gmail.com>  
**Sent:** Thursday, October 25, 2018 1:35 PM  
**To:** Leslie Hubbard; Ruth Hanover  
**Subject:** comments for tonight

Sorry for the late submissions, I can't make it to the meeting tonight.

Hopefully the following comments can be introduced as part of the discussion tonight.

- 1) Has the County informed the consulting firm on the potential changes, and will that change their scope of work?
- 2) Concern about the lack of soliciting public input on changes to the ordinance
- 3) County should be requiring license applicants to provide CEQA compliance for new or renewal licenses.
- 4) Changes to the cultivation ordinance are dramatic, *especially allowing multiple permits on properties, and allowing lifetime variances for properties next to public lands, TPZ, and open space designations*, and without environmental review, we don't know the impact of these decisions might be, both locally and cumulatively
- 5) All public lands are open for, and should be considered recreational, not just areas that have developed trails.

Rec'd 10/25/18 4:45 pm  
@ PD Office

## UNDERWOOD & WETZEL LAW OFFICES P.C.

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Telephone: (530) 623-2200

James M. Underwood

Redding Office:  
1274 Court Street  
Redding, CA 96001  
Telephone (530) 276-8246

### HAND-DELIVERED

October 25, 2018

Chair and Members  
Trinity County Planning Commission  
C/o Trinity County Planning Department  
61 Airport Road  
Weaverville, CA 96093

Re: Proposed Cannabis Cultivation Ordinance Amendments (Agenda Item 4)

Dear Chair and Members:

My office represents the Trinity Action Alliance (TAA), a group of local property owners that is concerned about ensuring enactment and implementation of cannabis cultivation and related ordinances in a way that conforms with applicable law and protects non-industry property owner rights and the environment. The following are TAA's concerns that it asks the Planning Commission to address in considering proposed amendments to the existing Trinity County Cannabis Cultivation Ordinance:

- (1) Has the County informed the consulting firm on the potential changes, and will that change their scope of work? Ordinance changes without adequate staffing for implementation, including enforcement, cannot and will not be successful, and should be a threshold question to be addressed.
- (2) Concern about the lack of soliciting public input on changes to the ordinance. Public transparency in ordinance adoption and implementation is critical to successful cannabis ordinance administration. Any changes to the existing ordinance should be publically vetted and reflect advance notice of all proposed permits to individual potentially impacted adjoining property owners, giving each an opportunity to be heard on potential adverse noise, traffic, odor, water use and other environmental impacts, as is generally required for land-use altering permits and entitlements.
- (3) The County Cannabis Cultivation Ordinances should be requiring CEQA compliance for all new or renewal licenses, before approval and issuance, with proper notices of exemption or County determination for each, for all such proposed "projects" as defined by CEQA.
- (4) Proposed changes to the cultivation ordinance are dramatic, including but not limited to allowing multiple permits on individual properties, and allowing lifetime variances for properties next to public lands, TPZ, and open space designations, and without environmental review pursuant to CEQA the interested public and affected property owners will not know what the significant adverse impact of these decisions might be, both locally and cumulatively.

Letter to Trinity County Planning Commission  
Proposed County Cannabis Cultivation Ordinance Amendments  
October 25, 2018  
Page 2 of 2

(5) All public lands should be considered recreational, not just areas that have developed trails, given the broad statutory basis for such public uses.

In short, whether or not TAA agrees with the underlying policy decisions previously made and now being considered concerning cannabis cultivation, any changes to be made should be done only following more community participation than mere Planning Commission agenda posting and public hearing notice, and must result in a more transparent license application review and approval process in accordance with applicable California law.

Thanks for considering, and reflecting in any Planning Commission recommended ordinance changes to the Board of Supervisors, the foregoing.

Sincerely,



JAMES M. UNDERWOOD